

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X

UNITED STATES OF AMERICA

- v. -

SEALED SUPERSEDING INDICTMENT

RAMEL MATTHEWS,
a/k/a "Rah,"
WENDELL BELLE,
a/k/a "Delly Dell,"
WILLIAM BRACY,
a/k/a "Rel,"
KAREEM LANIER,
a/k/a "Black,"
a/k/a "Reem,"
ANTHONY SCOTT,
a/k/a "Tyson,"
HASWANI TYSON,
a/k/a "Swani,"
PAUL GILBERT,
a/k/a "Too Fly Tay,"
a/k/a "Dontay,"
TERRANCE WILLIAMS,
a/k/a "TA,"
JASON MOYE,
a/k/a "Tall Jay,"
MICHAEL BROWN,
a/k/a "Mighty,"
DAVOUN MATTHEWS,
a/k/a "Juice,"
KERRY VANDERPOOL,
a/k/a "Paperz,"
ORENZO HARRELL,
a/k/a "Oey,"
BRIAN MAYNOR,
a/k/a "Binky,"
ANDY SEDA,
a/k/a "Ant White,"
DAVAUGHN BROOKS,
a/k/a "Day Day,"
a/k/a "Dolla,"
JOHN HUGHES,
a/k/a "Pino,"

S4 15 Cr. 537 (VEC)

[illegible]

RACKETEERING VIOLATIONS

COUNT ONE

(Racketeering Conspiracy)

The Grand Jury charges:

1. At all times relevant to this Indictment, RAMEL MATTHEWS, a/k/a "Rah," WENDELL BELLE, a/k/a "Delly Dell," WILLIAM BRACY, a/k/a "Rel," KAREEM LANIER, a/k/a "Black," a/k/a "Reem," ANTHONY SCOTT, a/k/a "Tyson," HASWANI TYSON, a/k/a

"Swani," PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," TERRANCE WILLIAMS, a/k/a "TA," JASON MOYE, a/k/a "Tall Jay," MICHAEL BROWN, a/k/a "Mighty," DAVOUN MATTHEWS, a/k/a "Juice," KERRY VANDERPOOL, a/k/a "Paperz," ORENZO HARRELL, a/k/a "Oey," BRIAN MAYNOR, a/k/a "Binky," ANDY SEDA, a/k/a "Ant White," DAVAUGHN BROOKS, a/k/a "Day Day," a/k/a "Dolla," JOHN HUGHES, a/k/a "Pino," DONOVAN REYNOLDS, a/k/a "Donnie G," JOSEPH ANDERSON, a/k/a "Jojo," TYRONE GLOVER, a/k/a "Tado," a/k/a "Ty," JOSEPH JEFFRIES, a/k/a "Joey," DAYSEAN BANNISTER, a/k/a "Dewey," JORGE GONZALEZ, a/k/a "Neno," COREY CANTEEN, ANWAR SHEPPARD, a/k/a "Shep," DARRYL WHITLEY, a/k/a "Hot," JEFFREY GERONIMO, a/k/a "Jeff," RASCARMI GALLIMORE, a/k/a "Tank," KYLE HINES, a/k/a "Forty," and CHRISTOPHER MORALES, a/k/a "Yayo," the defendants, and others known and unknown, were members and associates of the "Young Gunnaz" ("YGz" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, murder, robbery, and narcotics trafficking. The YGz operated principally in the Bronx, New York.

2. The YGz, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. This Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a

common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise was engaged in, and its activities affected, interstate and foreign commerce.

PURPOSES OF THE ENTERPRISE

3. The purposes of the Enterprise included the following:

a. Enriching the members and associates of the Enterprise through, among other things, robbery and the distribution of narcotics, including cocaine base in a form commonly known as "crack," heroin, and marijuana.

b. Preserving and protecting the power of the Enterprise and its members and associates through murder, attempted murder, other acts of violence, and threats of violence.

c. Promoting and enhancing the Enterprise and the activities of its members and associates.

d. The Enterprise operated within multiple housing developments, including the Mott Haven Houses, Maria Lopez Plaza, and River Park Towers, all in the Bronx, New York.

MEANS AND METHODS OF THE ENTERPRISE

4. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired to commit, and attempted to commit, acts of violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other street gangs.

b. Members and associates of the Enterprise used physical violence and threats of violence, including murder and attempted murder, against various people, including in particular rival gang members and rival narcotics traffickers.

c. Members and associates of the Enterprise planned and committed robberies of individuals in and around the Bronx and New York, New York.

d. Members and associates of the Enterprise planned and committed robberies at banks in and around Westchester and Dutchess Counties, in New York State.

e. Members and associates of the Enterprise sold narcotics, including cocaine base in a form commonly known as "crack," heroin, and marijuana.

THE RACKETEERING CONSPIRACY

5. From at least in or about 2005, up to and including in or about June 2016, in the Southern District of New York and elsewhere, RAMEL MATTHEWS, a/k/a "Rah," WENDELL BELLE, a/k/a "Delly Dell," WILLIAM BRACY, a/k/a "Rel," KAREEM LANIER, a/k/a "Black," a/k/a "Reem," ANTHONY SCOTT, a/k/a "Tyson," HASWANI TYSON, a/k/a "Swani," PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," TERRANCE WILLIAMS, a/k/a "TA," JASON MOYE, a/k/a "Tall Jay," MICHAEL BROWN, a/k/a "Mighty," DAVOUN MATTHEWS, a/k/a "Juice," KERRY VANDERPOOL, a/k/a "Paperz," ORENZO HARRELL, a/k/a "Oey," BRIAN MAYNOR, a/k/a "Binky," ANDY SEDA, a/k/a "Ant White," DAVAUGHN BROOKS, a/k/a "Day Day," a/k/a "Dolla," JOHN HUGHES, a/k/a "Pino," DONOVAN REYNOLDS, a/k/a "Donnie G," JOSEPH ANDERSON, a/k/a "Jojo," TYRONE GLOVER, a/k/a "Tado," a/k/a "Ty," JOSEPH JEFFRIES, a/k/a "Joey," DAYSEAN BANNISTER, a/k/a "Dewey," JORGE GONZALEZ, a/k/a "Neno," COREY CANTEEN, ANWAR SHEPPARD, a/k/a "Shep," DARRYL WHITLEY, a/k/a "Hot," JEFFREY GERONIMO, a/k/a "Jeff," RASCARMI GALLIMORE, a/k/a "Tank," KYLE HINES, a/k/a "Forty," and CHRISTOPHER MORALES, a/k/a "Yayo," the defendants, and others known and unknown, being persons employed by and associated with the racketeering Enterprise described above, namely, the YGz, which was engaged in, and the activities of which affected, interstate and foreign commerce, willfully and knowingly combined, conspired, confederated, and agreed

together and with each other to violate the racketeering laws of the United States, to wit, Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the YGz through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of multiple acts involving murder and robbery that are chargeable under the following provisions of state law:

New York Penal Law, Sections 20.00, 125.25 and 125.27
(murder);

New York Penal Law, Sections 20.00, 110.00 and 125.25
(attempted murder);

New York Penal Law, Sections 105.15 and 125.25
(conspiracy to murder);

New York Penal Law, Sections 20.00, 110.00, 160.05 and
160.10 (robbery);

New York Penal Law, Sections 105.10, 160.05 and 160.10
(conspiracy to commit robbery); and

New York Penal Law, Sections 20.00, 110.00, 160.05 and
160.10 (attempted robbery);

multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in controlled substances, including 28 grams and more of cocaine base in a form commonly known as "crack,"

and quantities of heroin and marijuana, all in violation of the laws of the United States, specifically Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B), (b)(1)(C), (b)(1)(D), and 846, and Title 18, United States Code, Section 2; and multiple acts involving robberies and attempted robberies of banks that are indictable under Title 18, United States Code, Sections 1951 and 2.

6. It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the Enterprise.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about December 22, 2005, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," the defendant, attempted to shoot a rival of the YGz ("Victim-1") in the vicinity of 286 East 149th Street in the Bronx, New York, and JASON MOYE, a/k/a "Tall Jay," and JOSEPH ANDERSON, a/k/a "Jojo," the defendants, attempted to hide the gun used in the shooting from law enforcement.

b. On or about August 10, 2007, a YGz member shot and injured an associate of a rival gang ("Victim-2") inside a

clothing store in the vicinity of 2838 Third Avenue in the Bronx, New York.

c. On or about June 27, 2009, in the vicinity of Willis Avenue and 140th Street in the Bronx, New York, RAMEL MATTHEWS, a/k/a "Rah," ANTHONY SCOTT, a/k/a "Tyson," and HASWANI TYSON, a/k/a "Swani," the defendants, and others known and unknown, acting in concert, attempted to commit a robbery, and in the course of doing so, SCOTT shot and killed Darrel Ledgister.

d. On or about September 26, 2009, JASON MOYE, a/k/a "Tall Jay," the defendant, participated in a shootout with members of a rival gang, in the vicinity of East 146th Street and College Avenue in the Bronx, New York, during which two bystanders ("Victim-3" and "Victim-4," respectively) were shot and injured.

e. On or about October 27, 2009, ANTHONY SCOTT, a/k/a "Tyson," and KYLE HINES, a/k/a "Forty," the defendants, and others known and unknown, acting in concert, robbed a Chinese food delivery worker ("Victim-5") in front of 291 East 143rd Street in the Bronx, New York, and during the course of the robbery, SCOTT cut Victim-5's neck with a sharp object.

f. On or about November 22, 2010, WENDELL BELLE, a/k/a "Delly Dell," WILLIAM BRACY, a/k/a "Rel," TERRANCE WILLIAMS, a/k/a "TA," and JASON MOYE, a/k/a "Tall Jay," the

defendants, and others known and unknown, acting in concert, participated in a shootout with members of a rival gang, in the vicinity of East 163rd Street and Park Avenue in the Bronx, New York, during which a rival gang member ("Victim-6") was shot and nearly killed, and BRACY and one of his associates were shot and injured.

g. On or about January 24, 2011, RAMEL MATTHEWS, a/k/a "Rah," KAREEM LANIER, a/k/a "Black," a/k/a "Reem," TERRANCE WILLIAMS, a/k/a "TA," JASON MOYE, a/k/a "Tall Jay," DAVOUN MATTHEWS, a/k/a "Juice," and ORENZO HARRELL, a/k/a "Oey," the defendants, and others known and unknown, acting in concert, assaulted and robbed an associate of a rival gang ("Victim-7") inside a bodega located on Courtlandt Avenue near 153rd Street in the Bronx, New York.

h. On or about January 24, 2011, RAMEL MATTHEWS, a/k/a "Rah," KAREEM LANIER, a/k/a "Black," a/k/a "Reem," TERRANCE WILLIAMS, a/k/a "TA," JASON MOYE, a/k/a "Tall Jay," DAVOUN MATTHEWS, a/k/a "Juice," and ORENZO HARRELL, a/k/a "Oey," the defendants, and others known and unknown, acting in concert, assaulted Dykeem Etheridge in the vicinity of Courtlandt Avenue between 153rd and 154th Streets in the Bronx, New York.

i. On or about January 24, 2011, KAREEM LANIER, a/k/a "Black," a/k/a "Reem," the defendant, shot and killed Dykeem Etheridge in the vicinity of Courtlandt Avenue between

153rd and 154th Streets in the Bronx, New York.

j. On or about May 28, 2011, DONOVAN REYNOLDS, a/k/a "Donnie G," the defendant, possessed a loaded firearm in the vicinity of Morris Avenue and 143rd Street in the Bronx, New York.

k. On or about December 22, 2011, JOHN HUGHES, a/k/a "Pino," possessed a firearm in the vicinity of 340 Alexander Avenue in the Bronx, New York.

l. On or about April 16, 2012, WENDELL BELLE, a/k/a "Delly Dell," and WILLIAM BRACY, a/k/a "Rell," the defendants, and others known and unknown, acting in concert, stomped and killed Moises Lora, a/k/a "Noah" in the vicinity of 700 Morris Avenue in the Bronx, New York.

m. On or about May 1, 2012, KAREEM LANIER, a/k/a "Black," a/k/a "Reem," the defendant, hit a drug customer ("Victim-8") with a gun in the vicinity of Maria Lopez Plaza in the Bronx, New York.

n. On or about July 19, 2012, RAMEL MATTHEWS, a/k/a "Rah," MICHAEL BROWN, a/k/a "Mighty," JASON MOYE, a/k/a "Tall Jay," and BRIAN MAYNOR, a/k/a "Binky," the defendants, and others known and unknown, got into a vehicle containing a loaded firearm and agreed to drive to a location in a rival gang's territory in the Bronx, New York to commit a shooting.

o. On or about November 16, 2013, WENDELL BELLE,

a/k/a "Delly Dell," the defendant, carried a handgun to a location in the vicinity of East 158th Street and Park Avenue in the Bronx, New York, where co-conspirators not named herein fired several rounds from that handgun and another firearm in an attempt to kill members of a rival gang, resulting in a bystander being shot and injured ("Victim-9").

p. On or about November 26, 2013, WENDELL BELLE, a/k/a "Delly Dell," the defendant, shot and injured an associate of a rival gang ("Victim-10") near the Bronx County Criminal Courthouse in the Bronx, New York.

q. On or about December 22, 2013, DAVOUN MATTHEWS, a/k/a "Juice," the defendant, placed a firearm on the ground by a pillar in a courtyard near 383 East 141st Street in the Bronx, New York and KERRY VANDERPOOL, a/k/a "Paperz," picked up the firearm.

r. On or about June 22, 2014, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," and ANTHONY SCOTT, a/k/a "Tyson," the defendants, and others known and unknown, acting in concert, shot and injured an individual ("Victim-11") in the vicinity of 340 Alexander Avenue in the Bronx, New York.

s. On or about October 3, 2014, while visiting fellow YGz members at Lincoln Hospital in the Bronx, New York who were being treated for injuries sustained during a violent encounter with members of a rival gang, JOSEPH JEFFRIES, a/k/a

"Joey," the defendant, possessed approximately nine ziplock bags of crack cocaine that he intended to distribute.

t. On or about June 27, 2015, DAVAUGHN BROOKS, a/k/a "Day Day," a/k/a "Dolla," the defendant, approached two members of a rival gang and brandished a firearm in the vicinity of Alexander Avenue between East 142nd and 143rd Streets in the Bronx, New York.

u. On or about August 14, 2015, in the vicinity of LaGrange, New York, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," and COREY CANTEEN, the defendants, and others known and unknown, acting in concert, robbed a bank ("Bank-1"), the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC").

v. On or about August 19, 2015, in an apartment in the Millbrook Houses in the Bronx, New York, ANDY SEDA, a/k/a "Ant White," the defendant, possessed approximately 92 plastic bags of crack cocaine that he intended to distribute, and possessed hundreds of rounds of ammunition for several types of firearms, including approximately (i) 300 Winchester S&W .40 caliber rounds, (ii) 100 Federal S&W .40 caliber rounds, (iii) one Federal 12-gauge shotgun shell, (iv) one Fiocchi 12-gauge shotgun shell, (v) seven Luger 9mm rounds, (vi) four Winchester .357 caliber rounds, (vii) two Hornaday .357 caliber rounds, (viii) one Federal .357 caliber round, (ix) six Winchester .38

caliber special rounds, and (x) one Federal .38 caliber special round.

w. On or about August 20, 2015, in the vicinity of 340 Alexander Avenue in the Bronx, New York, JOSEPH JEFFRIES, a/k/a "Joey," the defendant, attempted to help a fellow YGz member flee from police with a loaded firearm, and JEFFRIES possessed (among other things) a plastic bag containing approximately 14 smaller plastic bags of crack cocaine that he intended to distribute.

x. On or about September 4, 2015, in the vicinity of Yorktown, New York, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," the defendant, and others known and unknown, robbed a bank, the deposits of which were insured by the FDIC ("Bank-2").

y. On or about September 17, 2015, in the vicinity of Yorktown, New York, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a "Dontay," and KERRY VANDERPOOL, a/k/a "Paperz," the defendants, and others known and unknown, acting in concert, robbed Bank-2.

z. On or about September 22, 2015, in the vicinity of LaGrange, New York, COREY CANTEEN, KERRY VANDERPOOL, a/k/a "Paperz," RASCARMI GALLIMORE, a/k/a "Tank," and JEFREY GERONIMO, a/k/a "Jeff," the defendants, and others known and unknown, acting in concert, robbed Bank-1.

aa. On or about November 24, 2015, in the vicinity of Millwood, New York, PAUL GILBERT, a/k/a "Too Fly Tay," a/k/a

"Dontay," and COREY CANTEEN, the defendants, and others known and unknown, acting in concert, attempted to rob a bank, the deposits of which were insured by the FDIC ("Bank-3").

bb. On or about December 18, 2015, in the vicinity of Thornwood, New York, COREY CANTEEN and ANWAR SHEPPARD, a/k/a "Shep," the defendants, and others known and unknown, acting in concert, robbed a bank, the deposits of which were insured by the FDIC ("Bank-4").

cc. On or about January 26, 2016, in the vicinity of Thornwood, New York, COREY CANTEEN and ANWAR SHEPPARD, a/k/a "Shep," the defendants, and others known and unknown, acting in concert, attempted to rob Bank-4.

dd. On or about January 29, 2016, in the vicinity of Yorktown, New York, DARRYL WHITLEY, a/k/a "Hot," the defendant, and others known and unknown, acting in concert, robbed a bank, the deposits of which were insured by the FDIC ("Bank-5").

NOTICE OF SPECIAL SENTENCING FACTORS

8. On or about June 27, 2009, in the Southern District of New York, RAMEL MATTHEWS, a/k/a "Rah," ANTHONY SCOTT, a/k/a "Tyson," and HASWANI TYSON, a/k/a "Swani," the defendants, and others known and unknown, knowingly murdered and aided and abetted the murder of Darrel Ledgister in the vicinity of 401 East 140th Street, Bronx, New York, in violation of New York Penal Law, Sections 125.25, 125.27, and 20.00, in that, (i)

with intent to cause the death of another person, RAMEL MATTHEWS, SCOTT, and TYSON caused the death of Ledgister, and (ii) under circumstances evincing a depraved indifference to human life, RAMEL MATTHEWS, SCOTT, and TYSON recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Ledgister, and (iii) RAMEL MATTHEWS, SCOTT, and TYSON, acting with each other and others known and unknown, attempted to commit robbery, and in the course of and in furtherance of such attempted robbery, caused the death of Ledgister.

9. On or about January 24, 2011, in the Southern District of New York, KAREEM LANIER, a/k/a "Black," a/k/a "Reem," the defendant, knowingly murdered Dykeem Etheridge in the vicinity of Courtlandt Avenue between 153rd and 154th Streets, Bronx, New York, in violation of New York Penal Law, Sections 125.25, in that, (i) with intent to cause the death of Etheridge, LANIER caused the death of Etheridge, and (ii) under circumstances evincing a depraved indifference to human life, LANIER recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Etheridge.

10. On or about April 16, 2012, in the Southern District of New York, WENDELL BELLE, a/k/a "Delly Dell," and WILLIAM BRACY, a/k/a "Rel," the defendants, and others known and

unknown, knowingly murdered and aided and abetted the murder of Moises Lora, a/k/a "Noah," in the vicinity of 700 Morris Avenue, Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of Lora, BELLE and BRACY caused the death of Lora, and (ii) under circumstances evincing a depraved indifference to human life, BELLE and BRACY recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Lora.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO

(Murder of Darrel Ledgister in Aid of Racketeering)

The Grand Jury further charges:

11. At all times relevant to this Indictment, the YGz, as described in Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, its membership, and its associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals engaged in, and the activities of which affected, interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

12. At all times relevant to this Indictment, the YGz, through its members and associates, knowingly engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder and robbery, in violation of New York Penal Law, narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846, and robberies and attempted robberies of banks, in violation of Title 18, United States Code, Sections 1951 and 2.

13. On or about June 27, 2009, in the Southern District of New York, RAMEL MATTHEWS, a/k/a "Rah," ANTHONY SCOTT, a/k/a "Tyson," and HASWANI TYSON, a/k/a "Swani," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the YGz, and for the purpose of gaining entrance to and maintaining and increasing position in the YGz, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Darrel Ledgister in the vicinity of 401 East 140th Street, Bronx, New York, in violation of New York Penal Law, Sections 125.25, 125.27, and 20.00, in that, (i) with intent to cause the death of another person, RAMEL MATTHEWS, SCOTT, and TYSON caused the death of Ledgister; and (ii) under circumstances evincing a depraved indifference to human life,

RAMEL MATTHEWS, SCOTT, and TYSON recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Ledgister; and (iii) RAMEL MATTHEWS, SCOTT, and TYSON, acting with each other and others known and unknown, attempted to commit robbery, and in the course of and in furtherance of such attempted robbery, caused the death of Ledgister.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT THREE

(Murder of Dykeem Etheridge in Aid of Racketeering)

The Grand Jury further charges:

14. Paragraphs 11 and 12 of Count Two of this Indictment are repeated and incorporated by reference as though fully set forth herein.

15. On or about January 24, 2011, in the Southern District of New York, KAREEM LANIER, a/k/a "Black," a/k/a "Reem," the defendant, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the YGz, and for the purpose of gaining entrance to and maintaining and increasing position in the YGz, an enterprise engaged in racketeering activity, as described above, knowingly murdered Dykeem Etheridge in the vicinity of Courtlandt Avenue between 153rd and 154th Streets, Bronx, New York, in violation of New York Penal Law, Section 125.25, in

that, (i) with intent to cause the death of Etheridge, LANIER caused the death of Etheridge; and (ii) under circumstances evincing a depraved indifference to human life, LANIER recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Etheridge.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT FOUR

(Murder of Moises Lora in Aid of Racketeering)

The Grand Jury further charges:

16. Paragraphs 11 and 12 of Count Two of this Indictment are repeated and incorporated by reference as though fully set forth herein.

17. On or about April 16, 2012, in the Southern District of New York, WENDELL BELLE, a/k/a "Delly Dell," and WILLIAM BRACY, a/k/a "Rel," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the YGz, and for the purpose of gaining entrance to and maintaining and increasing position in the YGz, an enterprise engaged in racketeering activity, as described above, BELLE and BRACY knowingly murdered and aided and abetted the murder of Moises Lora a/k/a "Noah," in the vicinity of 700 Morris Avenue, Bronx, New York, in violation of New York Penal